

**Question for written answer P-006993/2014  
to the Commission**

Rule 130

**Beatriz Becerra Basterrechea (ALDE)**

Subject: Possible infringement of Directive 98/34/EC and attack on competition

On 10 May 2013 the Spanish Government gave the Commission notification, pursuant to Directive 98/34/EC, of its bill to amend the Act on Intellectual Property (notification No 2013/244/E).

On 14 February 2014 the Spanish Cabinet approved a further amendment to this Act, one that was not included in the notification to the Commission. This amendment is to Article 32.2 on special rights and includes the notion of a fee for quotation rights. A report by the National Markets and Competition Authority (Comisión Nacional de Mercados y Competencia – CNMC) states that companies would be affected by this as they would be obliged to compensate the publisher of any insignificant fragments of content that may be reproduced in searches on their website. The report is of the opinion that 'a regulatory model more favourable to competition is possible', such that 'barriers to entry faced by new operators are removed'.

Bearing in mind these defects in form and substance:

1. Is the Commission of the opinion that Directive 98/34/EC has been infringed in that the Commission has not been notified of significant alterations to this bill? What action will the Commission take in this regard?
2. Does the Commission consider that in light of the CNMC reports and EU competition law, the aforementioned Article 32.2 constitutes an attack on the freedom to conduct a business?